



PUBLIC NOTICE

Federal Communications Commission
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DA 17-554
June 6, 2017

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE
TRANSFER OF CONTROL OF WEST TELECOM SERVICES, LLC
AND WEST IP COMMUNICATIONS, INC. TO OLYMPUS HOLDINGS II, LLC**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 17-137

Comments Due: June 20, 2017
Reply Comments Due: June 27, 2017

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on the application filed by West Corporation (West), Olympus Holdings II, LLC (Olympus), West IP Communications, Inc. (WIPC) and West Telecom Services, LLC (formerly known as HyperCube Telecom, LLC) (West Telecom) (collectively, the Applicants), pursuant to Section 214 of the Communications Act of 1934, as amended, and Section 63.03 of the Commission's rules, requesting approval to transfer control of West Telecom and WIPC to Olympus.¹

West, a Delaware publicly traded corporation, is the parent company of several subsidiaries, including West Telecom and WIPC. West Telecom's telecommunications services are available in 47 states and the District of Columbia.² While West Telecom owns and operates its own network equipment, it leases transmission lines (including access circuits) from other carriers. WIPC, a Delaware corporation, primarily provides interconnected VoIP services to business customers in all 50 states and the District of Columbia.

Olympus, a Delaware limited liability company, was formed for the purposes of consummating the proposed transaction. Olympus is a holding company and will be ultimately controlled by a principal of Apollo Global Management, LLC (Apollo), Joshua J. Harris, a U.S. citizen. The equity of Olympus is ultimately owned by certain investment funds that are managed by affiliates of Apollo.³ Applicants state

¹ See 47 U.S.C. § 214; 47 CFR § 63.03. Applicants also filed applications for the transfer of authorizations associated with international services. Applicants filed a supplement to their Application on June 2, 2017. Any action on this domestic Section 214 application is without prejudice to Commission action on other related, pending applications.

² Applicants provide a list of states where West Telecom's services are available. Application at 4.

³ Applicants provide a list of investment funds that own Olympus in Exhibit A of the Application.

that neither Olympus nor Apollo hold a ten percent or greater interest in any U.S. domestic telecommunications provider.

Pursuant to the terms of the proposed transaction, Mount Olympus Holdings, Inc., which is an indirect parent of Olympus, Olympus Merger Sub, Inc. (Merger Sub), which is a wholly owned subsidiary of Olympus, and West entered an Agreement and Plan of Merger to which Merger Sub will merge with and into West with West continuing as the surviving corporation. At the time of the proposed transaction, the current issued and outstanding shares of West will be converted into the right for each West shareholder to receive a cash payment. As a result of the proposed transaction, West will become a wholly owned, direct subsidiary of Olympus, and West Telecom and WIPC will become wholly owned, indirect subsidiaries of Olympus. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under Section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.⁴

Domestic Section 214 Application Filed for the Transfer of Control of West Telecom Services, LLC and West IP Communications, Inc. to Olympus Holdings II, LLC, WC Docket No. 17-137 (filed May. 24, 2017).

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to Section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before June 20, 2017**, and reply comments **on or before June 27, 2017**. Pursuant to Section 63.52 of the Commission's rules, 47 CFR § 63.52, commenters must serve a copy of comments on the Applicants no later than the above comment filing date. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.

Pursuant to Section 63.03 of the Commission's rules, 47 CFR § 63.03, parties to this proceeding should file any documents in this proceeding using the Commission's Electronic Comment Filing System (ECFS): <http://apps.fcc.gov/ecfs/>.

In addition, e-mail one copy of each pleading to each of the following:

- 1) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, tracey.wilson@fcc.gov;
- 2) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) David Krech, International Bureau, david.krech@fcc.gov;
- 4) Sumita Mukhoty, International Bureau, sumita.mukhoty@fcc.gov, and

⁴ 47 CFR § 63.03(b)(2)(i).

5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), 1-888-835-5322 (tty).

The proceeding in this Notice shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, please contact Tracey Wilson at (202) 418-1394 or Dennis Johnson at (202) 418-0809.

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